

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-43569 of 2015 (O&M)
Date of Decision: 04.02.2016

Anita Bala Sethi

--Petitioner

Versus

State of Haryana

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. R.S. Cheema, Sr. Advocate with
Mr. Sapan Dhir, Advocate for the petitioner.

Mr. Anmol Malik, A.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.533 dated 24.10.2013 under sections 420, 467, 468, 471, 406, 409, 120-B I.P.C, registered at Police Station, City Jagadhari, District Yamuna Nagar.

On 23.12.2015 while issuing notice of motion, the following order was passed by this Court:-

“Petitioner seeks pre-arrest bail in FIR No.533 dated 24.10.2013 under Sections 420/467/468/471/406/409/120-B IPC, registered at Police Station City Jagadhri, District Yamuna Nagar.

Learned senior counsel for the petitioner submits that initially the petitioner was not named in the FIR. However, one Arun Kumar, who was subordinate of the petitioner and was working as Lab Technician in Dispensary No.1, ESI hospital, Jagadhri and was also doing the work of Clerk, as well, came to be arrested on 15.2.2015. During his police remand, above said Arun Kumar, co-accused of the petitioner, suffered a disclosure statement naming the petitioner. He further submits that after her retirement, petitioner sold her

house at Yamuna Nagar and shifted to Zirakpur, District SAS Nagar, Mohali, because of which she could not come to know about the fact that she was sought to be implicated on the basis of the abovesaid disclosure statement suffered by her co-accused Arun Kumar @ Gagan. He also refers to a communication Annexure P-6, wherein it was disclosed that the alleged forged bills which were allegedly drawn by the petitioner were amounting to Rs.40,695/- as depicted from page 67 of the paper book. He would next contend that in such a situation, custodial interrogation of the petitioner would not be required.

Notice to the Advocate General, Haryana, for 4.2.2016.

In the meantime, in the event of arrest, the petitioner shall be released on interim anticipatory bail to the satisfaction of arresting/investigating officer, subject to the conditions provided under Section 438 (2) Cr.P.C. At the first instance, petitioner shall join the investigation on or before 29.12.2015 and cooperate with the investigation agency. The petitioner is also directed to join the investigation, thereafter, as and when required by the investigation agency, by issuing a notice under Section 160 Cr.P.C.”

Learned State counsel upon instructions from S.I Yash Pal would apprise the Court that the petitioner has since joined investigation.

It has also gone uncontroverted that the petitioner is sought to be implicated in the present matter solely on the strength of a disclosure statement suffered by co-accused Arun Kumar @ Gagan, who was a subordinate to the petitioner and was working as a Lab. Technician-cum-Clerk in the E.S.I Hospital at Jagadhari. Furthermore, as per complainant's version, which is based on information sought under the R.T.I Act, an amount of Rs.40,695/- were allegedly drawn by the present petitioner.

Learned counsel appearing for the petitioner undertakes to deposit an amount of Rs.40,000/- with the I.O within a period of one week from today.

Such deposit would be without prejudice to the rights and contentions of the petitioner and would be subject to the final investigation and outcome of the case.

The petitioner having already joined investigation, her custodial interrogation, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 23.12.2015, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

04.02.2016
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